

**REMARKS**

Claims 30 and 31 are added. Support for new claims 30 and 31 can be found, for example, in the Figure and in paragraphs 0007 to 0010 on page 2 of the specification as filed. These paragraphs state that previous cells have required the use of auxiliary electrodes or special multilayer electrodes, and that one of the goals of the invention is to provide a lower cost cell. As shown in the Figure and described in the specification, this is achieved by a cell that does not use an auxiliary electrode. Claims 30 and 31 are believed to be allowable for at least the reasons stated below.

Claim 14 is amended. Support for the amendment to claim 14 can be found, for example, in the Figure and in paragraphs 0007 to 0010.

Claim 23 is amended to correct the typographical error noted by the Examiner and to clarify the claim language.

Claims 16 and 18 are amended to more clearly define the meaning of unsplit and split electrodes in the claims. Support for these amendments can be found, for example, in the claims as originally filed and in paragraphs 0013 and 0014 of the specification as filed. Based on these amendments, the rejection of claim 18 under 35 USC 112, second paragraph is respectfully traversed. Reconsideration and withdrawal of the rejection are requested.

Claim 25 is amended to be dependent from claim 23, as suggested by the Examiner.

The rejection of claims 14 – 17 under 35 USC 103(a) over Sanchez, US Patent 5,576,116, in view of Ikoma, US Patent 4,935,318, is respectfully traversed. The claimed invention requires a cell having a hydrophobic transport element for transporting the gases of the cell atmosphere and wherein all of the negative electrodes are hydrogen-storing electrodes. Sanchez describes an electrochemical cell that includes at least one auxiliary electrode in electrical contact with a negative electrode. (See element 6 in Fig. 1 or 2 of Sanchez.) Based on the specification, the auxiliary electrodes in Sanchez appear to be essential for operation of the apparatus. It appears that any attempt to remove the auxiliary electrodes from the apparatus in Sanchez would result in an inoperative device. As described in Sanchez, the auxiliary electrode is not a hydrogen-storing electrode. The composition of the auxiliary electrode is described at Col. 3, lines 13 – 18, with a variant described in Example 1 at Col. 6, lines 15 – 24. The description of the auxiliary electrode does not include a hydrogen storage alloy, and Sanchez gives no indication that the auxiliary electrode can be modified to include one. Additionally, although the Examiner asserts that the anodes 4 and 4' in Sanchez are hydrogen storage electrodes, Applicants are uncertain where this is disclosed in Sanchez.

Ikoma discloses a battery that has only a separator between the positive and negative electrodes. It does not appear that Ikoma discloses or suggests use of a hydrophobic transport element, as required by the claimed invention. Nothing in Ikoma describes or suggests a way to modify the apparatus of

Sanchez to arrive at the claimed invention. In particular, Ikoma does not describe or suggest a way to eliminate the auxiliary electrode of Sanchez, nor does Ikoma describe or suggest a way to modify the auxiliary electrode of Sanchez to act as a hydrogen storing electrode. As a result, the combination of Sanchez and Ikoma fails to disclose or suggest the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action further rejects the remaining claims based on Sanchez in view of Ikoma (claims 23, 26, 28, and 29), and in view of a variety of other references. (Claim 18 in view of Hamamatsu; claims 19, 20, and 22 in view of JP 60-250567; claim 21 in view of Sonoda; claims 23 and 25 – 27 in view of EP 419220; and claim 24 in view of EP 419220 and JP 06-168719) None of the additional references cited in the Office Action can be operably combined with Sanchez and Ikoma to arrive at the claimed invention. Thus, reconsideration and withdrawal of these rejections is respectfully requested.

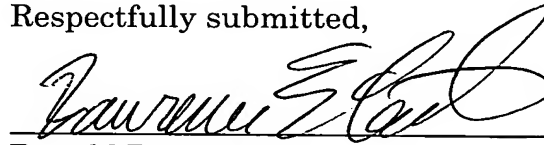
In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080449.50806).

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald D. Evenson", written over a horizontal line.

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